



Ordinance No. 2016-004

City of Minneapolis

File No. 15-01369

By Palmisano and Gordon

Amending Title 10, Chapter 188 of the Minneapolis Code of Ordinances relating to Food Code: Administration and Licensing.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 188.485 of the above-entitled ordinance shall be amended to read as follows.

188.485. - Mobile food vehicle vendors. (a) No person shall operate a mobile food vehicle in the city without a valid license required under this section. To the extent authorized in any such license granted under the provisions of this section, the licensee may conduct such licensed business ~~on the public sidewalk or curbside on the street or on private property~~ notwithstanding the provisions of sections 188.10, 427.110, ~~427.130, 478.85,~~ 478.90(a, u, w, and y), 478.350, 478.370, 430.30, 439.30, and 549.160 of this Code.

(b) Plan submission. Application for a mobile food vehicle license shall be made at the licensing division before beginning the construction of a mobile food vehicle vending operation. The licensing official may require such information on the application as it deems reasonable and necessary, including but not limited to, the following information:

- (1) Name and address of the applicant.
- (2) Name and address of the approved commercial supply source and affiliated licensed food establishment in the city. If the licensed food establishment is not owned or operated by the applicant, the applicant shall provide written proof of consent from the establishment's owner to use the facility for food preparation, storage, and cleaning.
- (3) A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.
- (4) The anticipated volume of food to be stored, prepared, and sold.
- (5) Plans and specifications for the mobile food vehicle, including the proposed layout, photographs, mechanical schematics, construction materials, finish schedules, equipment types, manufacturers, model numbers, locations, dimensions, weight of vehicle per wheel, performance capacities, power source, installation specifications, and information on any custom fabricated equipment.
- (6) Valid copies of all necessary licenses or permits required by state or local health and transportation authorities.
- (7) A signed statement that the licensee shall hold harmless the city, any applicable special service district, and their officers and employees, and shall indemnify the city, any applicable special service district, and their officers and employees for any claims for damage to property or injury to persons which may be occasioned by any activity carried on under the terms of the license. Licensee shall furnish and maintain such public liability, food products liability, and property damage insurance as will protect permittee, property owners, city, and the district from all claims for damage to property or bodily injury, including death, which may arise from operations under the license or in connection therewith. Such

insurance shall provide coverage of not less than one million dollars (\$1,000,000.00) per occurrence. The policy shall further provide that it may not be cancelled except upon thirty (30) days' written notice filed with the licensing official. No license issued pursuant to the provisions of this section shall be valid at any time the insurance required herein is not maintained and evidence of its continuance filed with the licensing official.

~~(8) The proposed locations for conducting business according to subsection (c) below. No application will be accepted for a license operating location on a public sidewalk or private parking lot where a current license has been issued or a complete application is pending. If the proposed location is on a public sidewalk, the applicant shall submit a signed statement that the licensee shall hold harmless the adjacent property owner(s) for any claims for damage to property or injury to persons which may be occasioned by any activity carried on or under the license. If the proposed location is private property, the applicant shall provide written consent from the property owner. If the proposed location is on or within two hundred (200) feet of park board property, the applicant shall provide written consent in the form of a permit, agreement, or other required written authorization from the park board.~~

~~(9)~~ (8) Each year at the time of filing the application for such a license, the applicant shall pay to the city finance officer a sum as established in ~~Appendix J~~, the License Fee Schedule.

(c) Location review and restrictions. Proposed operating locations shall be reviewed as follows:

(1) The licensing official shall maintain a list map of eligible operating locations that is available for review by the public. The licensing official shall refer the subject of mobile food vendors in general to ~~Downtown Business Improvement Special Service District ("the district")~~, which shall report its advisory recommendations concerning the potential locations of mobile food vendor sites on the public sidewalks within the boundaries of the district in section 465.10.

(2) Upon receipt of a complete application for a license, the license shall be referred to the director of public works for approval or disapproval. The use of the license operating location for mobile food vending must be compatible with the public interest in use of the sidewalks and streets as public right-of-way. In making such determination, the director of public works shall consider the width of the sidewalk, the method of placing the vehicle, the weight that can be supported by the paving at the proposed location, the proximity and location of existing street furniture, including but not limited to, utility poles, parking meters, bus shelters, benches, street trees, newsracks, as well as, the presence of bus stops, truck loading zones, taxi stands, valet parking zones, or other approved sidewalk cafés or mobile food vehicles to determine whether the requested location would result in pedestrian or street congestion.

(3) The director of public works shall not approve a location on a sidewalk where a mobile food vehicle would substantially impair the structural capacity of the sidewalk, movement of pedestrians or vehicles, or pose a hazard to public safety. The director shall not approve any location which is adjacent to a bus stop, taxi stand, or handicap loading zone, within thirty (30) feet of an intersection, within three (3) feet of a curb, or directly in front of a property entryway. Pedestrian walkways of no less than six (6) feet must be maintained on the service side of the mobile food vehicle.

(4) No mobile food vehicle vendor application will be accepted for a license operating location on a public sidewalk where a restaurant, with direct access to the sidewalk, is adjacent or within one hundred (100) feet on the same block face. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

(5) (3) Ingress and egress to private property shall be through existing driveway openings only.

(6) (4) Parking on streets is permitted when in compliance with all ordinances, regulations, parking zones and posted signage. Sales by the licensee shall be made on the curbside only and the vehicle shall be parked within one (1) foot of the curb. No mobile food vendor shall operate from the public right-of-way where a restaurant, with direct access to the sidewalk, or a permitted sidewalk cafe is within one hundred (100) feet on the same block face. This requirement may be waived if the licensee furnishes

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written consent from the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.

~~(7)~~ (5) Parking at a metered space is allowed as indicated above and subject to the following conditions:

- a. Licensee shall only operate at an operational metered space and shall park in such a manner so as to only occupy the designated parking space.
- b. Licensee shall comply with all posted requirements and fees in accordance with subsection (a).
- c. Parking at a designated short-term metered space is not permitted.
- d. When any portion of the mobile food vehicle, including any trailer, extends into an adjacent parking space, then that space shall be considered occupied by the mobile food vehicle and the licensee must comply with all posted meter requirements.
- e. No mobile food vehicle, including any trailer, shall occupy more than two (2) metered parking spaces. Trailers may be detached from the vehicle while in operation.
- f. No mobile food vehicle shall be allowed to operate at a metered space where a bicycle lane exists between the parking space and the parking meter.
- g. No mobile food vehicle shall be allowed to operate at a hooded metered space or a parking meter that is temporarily out of service.
- h. Licensee is prohibited from reserving a metered parking space by blocking, barricading, hooding, signing, or in any other manner preventing another vehicle from occupying the space.
- i. No mobile food vehicle vendor shall operate from the public right-of-way within one hundred (100) feet on the same block face of a licensed sidewalk café. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- j. No mobile food vehicle vendor shall operate from a public right-of-way within one hundred (100) feet on the same block face, where a restaurant with direct access to the sidewalk. This requirement may be waived if the application is submitted with the written consent of the proprietor of the restaurant. No person or corporation shall either pay or accept payment for the written consent provided herein.
- k. No mobile food vehicle vendor may occupy an on street location in violation of Minnesota Statute 169.34 as to be on a crosswalk; within 20 feet of a crosswalk at an intersection; or within 30 feet upon the approach to any flashing beacon, stop sign, or traffic-control signal located at the side of the roadway.

~~(8) The approved operating locations shall be indicated on the license and shall include the area of the mobile food vehicle. The license must be prominently displayed on the vehicle.~~

~~(9) If the requested operating location is denied, the applicant may select an alternate location, which shall also be referred to the director of public works for review.~~

~~(10)~~ (6) The city shall not approve more than one (1) mobile food vehicle per private parking lot in the Downtown Business Improvement Special Service District ("the district"), as defined in section 465.10, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicle shall not block required drive aisles.

(7) No more than three (3) mobile food vehicles may operate in a private parking lot outside of "the district" boundaries, which must remain in compliance with the zoning code, including the off-street parking requirements for the host parking lot. The vehicles shall not block required drive aisles.

(8) No additional permit shall be required for mobile food vehicles parked on private property that are within the numbers restricted in sections (6) and (7). Additional permits are required for the mobile food vehicles parked on private property that are higher than the numbers restricted in sections (6) and (7).

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~~(11)~~ (9) Licensee shall not operate any such business within five hundred (500) feet of any city, county, or state fair, carnival, circus, festival or civic event that is licensed or sanctioned by the city council, or similar event authorized by a permit issued by the park board, except when the licensee has obtained a temporary food permit from the licensing official as being a participant under the auspices and control of such event, and, if applicable, written consent in the form of a permit, agreement, or other required written authorization from the park board.

~~(12)~~ (10) Licensee shall not operate any such business within five hundred (500) feet of a controlled entrance to a regional sports arena or facility, except when the licensee has obtained written permission from the owner and furnished such written permission to the licensing official at least fifteen (15) days in advance of such use.

~~(13)~~ (11) Licensee shall not operate any such business within two hundred (200) feet of park board property without written consent in the form of a permit, agreement, or other required written authorization from the park board.

(d) Approved food and beverage list. The environmental health division shall maintain a record of approved food and beverage items which may be prepared and sold by mobile food vehicle vendors. Requests to have a food or beverage item considered for approval shall be submitted in writing to the environmental health division, that shall determine whether the food or beverage item is capable of preparation and service from the mobile food vehicle based on the equipment being used and the design and construction of the vehicle.

(e) Form and condition of license. In addition to naming the licensee, ~~showing the approved operating location site diagram,~~ and any other information deemed appropriate by the licensing official, the mobile food vehicle vending license shall contain the following conditions:

(1) Each mobile food vehicle vending license shall expire on April first of each year.

(2) The license shall not be transferrable from person to person or from place to place without approval of the licensing official.

~~(3) The approved operational location may be changed, either temporarily or permanently, by written notice of the licensing official.~~

~~(4)~~ (3) The license is valid for one (1) vehicle only.

~~(5)~~ (4) There shall be issued to each approved licensee a suitable decal that shall be permanently and prominently affixed to the vehicle.

(f) Restrictions. The mobile food vehicle shall comply in all respects with all requirements of state law, including but not limited to Minnesota Rules Chapter 1315, Chapter 1346, and Chapter 4626, and any requirements found in any other law, statute, rule, resolution, ordinance, or regulation of any kind and the following:

(1) All equipment must meet applicable National Sanitation Foundation (NSF) food service equipment standards.

(2) All foods, beverages, and ice must be obtained from an approved commercial source. Food cannot be stored in a home.

(3) Any food preparation or food storage done off-site must be accomplished at a city licensed food establishment location. Food cannot be prepared or stored in a home.

(4) Hours of operation shall be limited to the hours between 6:00 a.m. and midnight. The hours of operation for mobile food vehicles located within three hundred (300) feet of a residential building or a mixed use building with a residential component shall be limited to the hours between 7:00 a.m. and 10:00 p.m. No approved mobile food vehicle shall be left unattended nor remain at an authorized operating location outside of these allowed hours of operation.

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~~(5) Every approved mobile food vehicle vendor shall operate for a minimum of one hundred fifty (150) days during the license term. This condition may be waived for mobile food vehicle vendors located outside the Central Business District.~~

~~(6)~~ (5) No mobile food vehicle vendor shall use or maintain any outside sound amplifying equipment, televisions or similar visual entertainment devices, lights, or noisemakers, such as bells, horns, or whistles.

~~(7)~~ (6) All waste liquids, garbage, litter and refuse shall be kept in leak proof, nonabsorbent containers which shall be kept covered with tight-fitting lids and properly disposed of at the licensed food establishment. No waste liquids, garbage, litter or refuse shall be dumped or drained into sidewalks, streets, gutters, drains, trash receptacles, or any other place except the licensed food establishment. The garbage receptacle shall be easily accessible for customer use. The licensee shall be responsible for all litter and garbage left by customers.

~~(8)~~ (7) The mobile food vehicle shall not have a drive-through.

~~(9)~~ (8) The environmental health division may summarily close any licensed food establishment, including a mobile food vehicle, pursuant to section 188.580.

~~(10)~~ (9) A mobile food vehicle vendor shall obey any lawful order of a police officer, traffic control agent, or other city inspector to move to a different authorized location to avoid congestion or obstruction of the street or sidewalk.

~~(11)~~ (10) The mobile food vehicle shall comply with the provisions of section 466.280 and 536.20 relative to signage and advertising on the vehicle.

~~(12)~~ (11) No mobile food vehicle shall use external signage, bollards, seating, or any other equipment not contained within the vehicle.

~~(13)~~ (12) Any power required for the mobile food vehicle shall be self-contained, screened from view, and shall not use utilities drawn from the public right-of-way. Mobile food vehicles on private property may use electrical power from an adjacent property only when the owner provides written consent. No power cable or equipment shall be extended at grade across any city street, alley, or sidewalk.

~~(14)~~ (13) The height of the mobile food vehicle, including all accessory equipment, shall not exceed ~~ten (10) feet for operation on a public sidewalk or thirteen (13) feet, six (6) inches for operation on a street or parking lot. The director of public works may reduce the allowed maximum height on a public sidewalk in a particular location in consideration of existing right of way obstructions, including trees.~~

~~(15)~~ (14) No mobile food vehicle shall be kept, stored, or maintained on a residentially zoned property in violation of any ordinance or regulation.

(g) License adverse action. An application or approved license may be denied, revoked, suspended, or not renewed, after notice and an opportunity for a hearing thereon, for any of the following reasons:

(1) The application contains material omissions or false, fraudulent, or deceptive statements.

(2) The vehicle is operated in such a manner as constituting a public nuisance per this Code or state statutes.

(3) The proposed operation is in violation of any federal, state, or local laws including, but not limited to, the provisions of this Code pertaining to food, fire prevention, and health or safety.

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The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

~~(h) Effective date. This section shall become effective on May 1, 2010.~~

Notice: 10/23/2015 Intro. & 1st Reading: 11/6/2015 Committee: CDRS
Public Hearing: 1/19/2016 2nd Reading & Passage: 1/29/2016 Publication: 2/6/2016

| RECORD OF COUNCIL VOTE | | | | |
|------------------------|-------------|-----|---------|--------|
| MEMBER | AYE | NAY | ABSTAIN | ABSENT |
| REICH | X | | | |
| GORDON | X | | | |
| FREY | X | | | |
| B. JOHNSON | | | | X |
| YANG | X | | | |
| WARSAME | | | | X |
| GOODMAN | X | | | |
| GLIDDEN | | | | X |
| CANO | X | | | |
| BENDER | X | | | |
| QUINCY | X | | | |
| A. JOHNSON | X | | | |
| PALMISANO | X | | | |
| DATE: | JAN 29 2016 | | | |

☒ APPROVED

☐ VETOED


MAYOR HODGES

FEB 02 2016

DATE

Certified an official action of the City Council

ATTEST:


CITY CLERK